

Appl. No. : 10/714759
Filed : November 17, 2003

REMARKS

Claims 9-21 remain pending in the present Application, Claim 9 having been amended, and Claims 1-8 having been withdrawn from consideration. The claim set forth above includes markings to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed July 20, 2005, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the following comments.

Bayron et al. Does Not Disclose the Air Intake Device Recited By Claims 9-21.

Claims 9-21 stand rejected under 35 U.S.C. § 102(b) as unpatentable over Bayron *et al.* (U.S. Patent No. 5,803,043) (“Bayron”). Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present Application, Applicants have amended Claim 9. Applicants expressly reserve the right to further prosecute the original versions of Claims 9-18 through continuation practice.

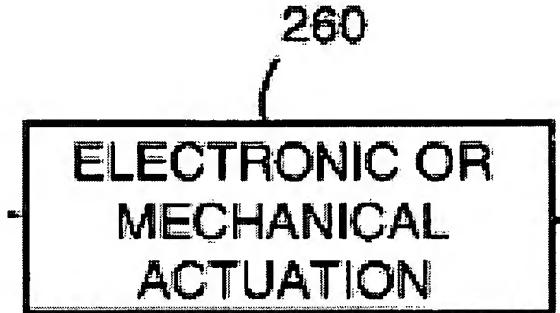
Bayron discloses a keypad device interfacing an electronic **or** mechanical throttle actuation device for limiting the performance of the engine as desired. *See Bayron, col. 5, ll. 20-55.* The performance limiting device in Bayron operates by processing performance limitation data from a user interface device into a throttle limitation signal. The actuation device is then set by the controller to limit the throttle opening to a desired level corresponding to the throttle limitation signal. Bayron specifically indicates that the throttle valve is operated *either* mechanically *or* electronically, but *not both*. For example, as noted in Bayron.

Throttles typically use an electronic sensor to detect the amount of pressure applied to the gas pedal or the like throttle operator. This sensor signal is then output to a controller which sends an appropriate signal to the engine. **Alternatively**, a mechanical linkage exists between the gas pedal or the like throttle operator and the engine.

Bayron, col. 5, ll 60-65 (emphasis added).

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Further, Bayron also illustrates, in FIG. 2B thereof, that the actuation device 260 is *either* electronic or mechanical, as shown in the portion of FIG. 2B reproduced below.



Bayron fails to teach an engine the combination of *both* electronic and mechanical actuation devices that can operate a throttle valve between its maximum and minimum operating positions and a selection mechanism, switch or otherwise, to change operating modes between the mechanical and electronic actuation devices.

In contrast, Claim 9 recites, among other recitations, "an induction system configured to guide air to the combustion chamber, an air metering device configured to meter an amount of air flowing through the induction system toward the engine body, the air metering device including a mechanical interface connectable to a mechanical power output request device so as to allow the air metering device to be adjusted mechanically between its maximum and minimum operating conditions, an electronic actuator capable of adjusting the air metering device between its maximum and minimum operating conditions, and a switch configured to selectively enable and disable the electronic actuator from operating the air metering device between its maximum and minimum operating conditions."

Similarly, Claim 19 recites, among other recitations, "an air metering device configured to meter an amount of air flowing through the induction system towards the engine body, the air metering device including a mechanical interface and an electronic actuator, each of which are configured to adjust the air metering device between its maximum and minimum operating conditions, and means for selectively disengaging the mechanical interface and the electronic actuator from the air metering device."

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This distinction is important because, as noted in paragraph [0006] of the Summary of the Invention of the present Application:

An aspect of at least one of the inventions as disclosed herein includes the realization that certain induction system components can be used on an engine, whether or not the engine utilizes electronic control of air flow through the induction system. For example, a throttle body can be provided with a throttle cable connection configured to allow a throttle valve of the throttle body to be controlled mechanically by manipulation of a throttle lever, as well as an electric motor configured to operate the throttle valve through its full range of motion in accordance with the output of a power output request sensor, such as, for example, a "throttle lever" position sensor. As such, the same throttle body can be used on engines sold for use with watercraft which do not include an electronic "throttle lever" as well as watercraft that do include such an electronic throttle lever. As such, a line of engines can be manufactured less expensively by utilizing the same throttle body for both types of engines.

Applicants thus submit that Claims 9 and 19 clearly and non-obviously define over Bayron.

Additionally, Applicants submit that Claims 10-18, 20, and 21 also define over the cited reference, not only because they depend from Claims 9 or 19, but on their own merit for reasons discussed above. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of Claims 9-21 and pass these claims to allowance.

Iida Does Not Disclose the Air Intake Device Recited By Claims 9-21

Claims 9-21 stand rejected under 35 U.S.C. § 102(e) as unpatentable over Iida *et al.* (U.S. Patent No. 6,733,350) ("Iida"). Applicants respectfully traverse the present rejection. However, as noted above, in order to expedite prosecution of the present Application, Applicants have amended Claim 9. Applicants expressly reserve the right to further prosecute the original versions of Claims 9-18 through continuation practice.

The inventions of Iida are directed to systems for assisting the steering of a watercraft. In the embodiment of Figure 22 of Iida, an electric motor 412 is used to *adjust* the throttle valve position dictated by the mechanical interface throttle control assembly which is connected to the throttle valves 54 through an actuator cable 426. Nothing in Iida discloses or suggests that the engine should have both an electronic system and a mechanical system for controlling the throttle valves between their maximum and minimum positions.

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In contrast, Claim 9 recites, among other recitations, “an induction system configured to guide air to the combustion chamber, an air metering device configured to meter an amount of air flowing through the induction system toward the engine body, the air metering device including a mechanical interface connectable to a mechanical power output request device so as to allow the air metering device to be adjusted mechanically between its maximum and minimum operating conditions, an electronic actuator capable of adjusting the air metering device between its maximum and minimum operating conditions, and a switch configured to selectively enable and disable the electronic actuator from operating the air metering device between its maximum and minimum operating conditions.”

Similarly, Claim 19 recites, among other recitations, “an air metering device configured to meter an amount of air flowing through the induction system towards the engine body, the air metering device including a mechanical interface and an electronic actuator, each of which are configured to adjust the air metering device between its maximum and minimum operating conditions, and means for selectively disengaging the mechanical interface and the electronic actuator from the air metering device.”

Thus, Applicants submit that Claims 9 and 19 clearly and non-obviously define over Iida. Additionally, Applicants submit that Claims 10-18 and 21 also define over the cited reference, not only because they depend from Claims 9 or 19, but on their own merit for reasons discussed above. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claims 9-21 and pass these claims to allowance.

CONCLUSION

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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